

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.176 OF 2007
IN
CRIMINAL WRIT PETITION NO.2851 OF 2005**

Athena Financial Services Ltd. & Ors.. ..Applicants.
V/s.
The State of Maharashtra & Ors. Respondents.

Shri V.P.Sawant, adv. for the Applicants.
Shri Subhash Zha adv. for the Respondents.

**CORAM: J.H.BHATIA, J.
DATE : 8th June, 2007.**

P.C.:

1. Heard Mr.Sawant the learned counsel for the applicants and Mr.Zha the learned counsel for the respondent no.2.

2. The applicant had filed writ petition no.2851 of 2005 against the respondents and that writ petition came for hearing on 4-6-2007. Mr.Abhijeet Desai the learned counsel for the petitioner, after some arguments sought to withdraw the writ petition and accordingly writ petition was disposed off. This application filed by the petitioner seeking to recall that order and to restore file on the ground that Mr.Abhijeet Desai is a junior advocate and he was not instructed by the petitioner to withdraw the matter. It is contended that infact Mr.Desai was not prepared on that day and as he

could not argue the case, he withdrew the matter. Mr.Zha has no objection. In my opinion in view of the stake involved in the matter, it will be in the interest of justice that the said order be recalled.

3. Therefore, this application is allowed. Order dated 4-6-2007 passed in Writ Petition No.2851 of 2005 is hereby recalled and the said writ petition is restored to the file.

(J.H.Bhatia, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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CRIMINAL WRIT PETITION NO.2851 OF 2005

Athena Financial Services Ltd. & Ors.. ..Petitioners.
V/s.

The State of Maharashtra & Ors. Respondents.

Shri V.P.Sawant, adv. for the Petitioners.

Shri Subhash Zha adv. for the Respondents.

CORAM: J.H.BHATIA, J.

DATE : 8th June, 2007.

P.C.:

1. Heard Mr.Sawant the learned counsel for the Petitioners and Mr.Zha the learned counsel for the respondent no.2.

2. After some discussion, Mr.Sawant the learned counsel for the petitioners makes a statement that petitioners would make a fresh proposal to the

respondent no.2 for amicable settlement of this matter within a period of one week and naturally if the proposal is made, the counsel for the respondent no.2 will have to take instructions as to whether proposal is acceptable or not. In view of this statement the petitioners shall submit a proposal to the respondent no.2 on or before 15th June, 2007 and matter be listed for admission on 19th June, 2007, high on board.

(J.H.Bhatia, J.)